

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS); SECTION 2.92.050 (STANDARDS OF CONDUCT) TO CHANGE THE REFERENCE TO THE CHIEF ADMINISTRATIVE OFFICER TO THE CITY MANAGER; THE PENALTY BEING AS PROVIDED IN SECTIONS 2.92.090 AND 1.08.010 - 1.08.030 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, in February 2004 the citizens of El Paso voted to amend the City Charter to change from a Strong Mayor form of government to a Council-Manager form of government; and

WHEREAS, such change makes it is necessary to revise the title of the Chief Administrative Officer to the City Manager.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Section 2.92.050 (Standards of Conduct) of the El Paso Municipal Code is amended to read as follows:

Section 2.92.050 Standards of Conduct

Officers or employees:

- A. Shall not accept or solicit, for personal financial gain any benefit that might reasonably tend to influence them to act improperly in the discharge of official duties.
- B. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them.
- C. Shall not participate in making or influencing any city governmental decision or action in which they know that they have any financial interest distinguishable from that of the public generally or from that of other city officers or employees generally.
- D. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official

duties, or that they are unduly affected by the kinship, rank, position or influence of any person.

- E. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities.
- F. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to former officers and employees as well as to current ones.
- G. Shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official City programs.
- H. Shall not utilize city resources for personal benefit or the personal benefit of a relative, friend or business associate, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the city.
- I. Shall not transact any business (other than ministerial acts) on behalf of the city with any business entity of which they are officers, agents or members, or in which they have a financial interest. In the event such a circumstance arises, then they shall make known their interest, and:
 - 1. in the case of an officer, abstain from voting on the matter and refrain from discussion of the matter at any time with the other members of the body of which he or she is a member and with any other person or body in city government which may consider the matter; and
 - 2. in the case of an employee, disclose the matter to an appropriate administrative authority within city government so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter.
- J. Shall not personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.
- K. Shall not accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the city, or which might impair their independent judgment in the performance of their public duty.
- L. Shall not personally participate in a decision in a matter if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter under consideration by or within the

jurisdiction of the city, and in the case of an employee if it has been determined by the city manager that a conflict of interest exists. For purposes of this section, the term “decision” shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term “matter” shall include but not be limited to a matter, proceeding, application, request for ruling or determination, contract or claim which involves the city. In such instance, the officer or employee shall:

1. in the case of an employee, immediately notify the official responsible for appointment to his or her position of the nature of the negotiation or arrangement and, if the city manager determines that a conflict of interest exists, follow the instructions of the city manager with regard to further involvement in the matter; or
2. in the case of a board member, immediately notify the board of which he or she is a member of the nature of the negotiation or arrangement and:
 - a. refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter; and
 - b. abstain from voting on the matter; or
3. in the case of a member of the city council, file an affidavit with the city clerk describing the nature of the negotiation or arrangement and:
 - a. refrain from discussing the matter at any time with other council members or members of a board that will consider the matter; and
 - b. abstain from voting on the matter.

M. Shall not receive any fee or compensation for their services as officers or employees of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the city if there is no conflict with their city duties and responsibilities.

N. Shall not, in the case of a member of the city council or an employee, personally represent or appear in behalf of the private interest of another before the city council, or any city board or department; or, if the represented person's interest is adverse to that of the city, represent any person:

1. in any quasi-judicial proceeding involving the city; or
2. in any judicial proceeding to which the city is a party;

provided that nothing in this subsection shall preclude:

- a. a city council member from speaking or appearing without compensation before the city council or any board or department on behalf of constituents in the course of his or her duties as an elected official;
- b. any employee from performing the duties of his or her employment;
- c. any employee from appearing before the city council or any city board or department, in a manner consistent with other city policies and rules, to discuss any general city policies or public issues, including the presentation of viewpoints or petitions of other employees; or

- d. a city council member or an employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.
- O. Shall not, in the case of a board member, personally represent or appear in behalf of the private interests of another:
1. before the board of which he or she is a member;
 2. before the city council unless the board member discloses his status as a board member to the council and the representation or appearance does not relate to a matter that was heard or decided by the board of which the board member is a member or a board that has appellate jurisdiction over the board of which the board member is a member;
 3. before a board which has appellate jurisdiction over the board of which he or she is a member; or
 4. in a judicial or quasi-judicial proceeding to which the city or an employee of the city is a party, if the interest of the person being represented is adverse to that of the city or an employee of the city and the subject of the proceeding involves the board on which the board member is serving or the department providing support services to that board.

Section 2. This ordinance shall take effect on September 1, 2004.

Section 3. Except has herein amended, Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), shall remain in full force and effect.

PASSED AND APPROVED this 24th day of August 2004.

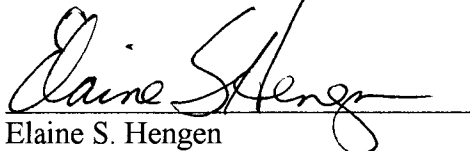
CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney